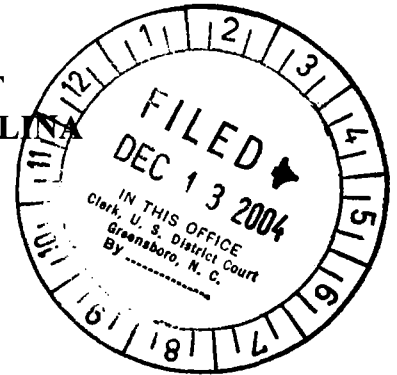


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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



DESHAWN OLETTA PRATT,)

Petitioner,)

v.)

ANNIE HARVEY, Warden,)
North Carolina Correctional Institution)
for Women,)

Respondent.)

1:03CV00388

O-R-D-E-R

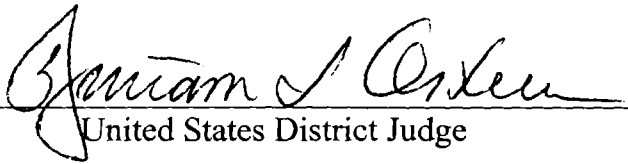
On August 9, 2004, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and notice was served on the parties in this action and a copy was given to the court.

Within the time limitation set forth in the statute, counsel for Respondent objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that the writ of habeas corpus issue and that Petitioner be released from custody and relieved of her conviction herein if the State fails to

retry Petitioner within a reasonable time of this Order. A judgment dismissing this action will be entered contemporaneously with this Order.


United States District Judge

December
September 13, 2004